

Message Text

UNCLASSIFIED

PAGE 01 KUWAIT 03296 311412Z POSS DUPE
ACTION SCS-06

INFO OCT-01 ISO-00 L-03 /010 W
-----021923 010241Z /14

R 311328Z MAY 78
FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC 1120

UNCLAS KUWAIT 3296

E.O. 11652: N/A
TAGS: OGEN
SUBJECT: JUDICIAL ASSISTANCE; DEPOSITIONS OF KUWAITI
NATIONALS BY CONSULAR OFFICER

REF: STATE 132955

1. FOLLOWING RESPONDS TO REFTEL:

A. OUR FILES INDICATE THAT THE KUWAIT GOVERNMENT HAS NO
OBJECTION TO THE TAKING OF DEPOSITIONS BY CONSULAR OFFICERS
FROM KUWAITIS OR OTHER NATIONALS IN KUWAIT. ONE SUCH
DEPOSITION WAS TAKEN IN 1976 OF A JORDANIAN CITIZEN. AT THAT
TIME EMBOFF WAS INFORMED BY MFA OFFICIAL THAT THE GOK
GENERALLY HAD NO OBJECTION TO OUR TAKING DEPOSITIONS
REGARDLESS OF NATIONALITY.

B. IT APPEARS THAT ONLY THE MINISTER OF JUSTICE OF
KUWAIT IS THE ROUGH EQUIVALENT OF A NOTARY IN KUWAIT.
HOWEVER, DEPOSITIONS ARE NOT USED IN KUWAITI COURTS, SO THERE
IS NO PROVISION FOR THE TAKING OF DEPOSITIONS BY THIS OR ANY
OTHER KUWAITI OFFICIAL. (TESTIMONY IS TAKEN IN COURT.)

C. THERE ARE NO COURT REPORTERS IN KUWAIT.

2. EMBASSY RECOMMENDS THAT THE "DEPOSITION ON NOTICE"
PROCEDURE BE USED IN THIS CASE. ASSUMING THAT THE FACTS
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TO BE ELICITED FROM THE WITNESSES ARE RELATIVELY BRIEF
AND SIMPLE, THE INTERROGATORIES SHOULD BE WRITTEN. (IN
THIS CASE THERE WOULD BE NO NEED FOR A COURT REPORTER --
EMBASSY STENOGRAPHIC AND INTERPRETING STAFF WOULD BE
USED AS NECESSARY AND APPROPRIATE FEES CHARGED.) IF
THIS ALTERNATIVE IS SELECTED, REQUEST THAT THE CALIFORNIA
LAW FIRM IN QUESTION MAIL TO CONSUL A COPY OF CALIFORNIA

LAW ON DEPOSITION PROCEDURES AT THE SAME TIME IT MAILES
THE REQUEST THAT DEPOSITIONS BE TAKEN, ALONG WITH OTHER
NECESSARY DOCUMENTS LISTED 7 FAM 840.

3. IN ORDER TO SPARE ALL CONCERNED NEEDLESS EXPENSE
AND EFFORT, REQUEST DEPARTMENT ASCERTAIN AND INFORM
EMBASSY WHAT CALIFORNIA COURT DEADLINE HAS BEEN IMPOSED
FOR RECEIPT OF DEPOSITION. IT MAY BE PHYSICALLY
IMPOSSIBLE TO COMPLETE DEPOSITION PROCEDURES GIVEN
MAILING TIMES, ETC.
SUTHERLAND

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